

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

NAEEM MAHMOOD KOHLI,

Defendant.

Case No. 14-cr-40038-JPG

MEMORANDUM AND ORDER

This matter comes before the Court for case management purposes. In reviewing this file, the Court has noticed a clerical error in the judgment. On the first page of the judgment (Doc. 141), the Court inadvertently checked the box indicating defendant Naeem Mahmood Kohli pled guilty to Counts 4 and 7-12 of the Indictment. Actually, Kohli was found guilty by a jury of those counts, and a different box should have been checked. The Court would like to correct this clerical error in the judgment pursuant to Federal Rule of Criminal Procedure 36. However, it is unable to do so at this point because the judgment is on appeal, and the Court lacks jurisdiction to correct its error. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (once notice of appeal is filed, Court is divested of jurisdiction over those aspects of the case involved in the appeal). The Court therefore **INDICATES** to the Court of Appeals it would be inclined to correct its error if the Court of Appeals remands this case for that limited purpose. *See* Seventh Circuit Rule 57. Kohli may then file a new notice of appeal from the amended judgment. *See id.* If the Court of Appeals finds correction of this error can wait until the appeal is resolved, if the judgment is affirmed, the Court would be inclined to correct the clerical error at that time. The Clerk of Court is **DIRECTED** to send a copy of this order to the Court of Appeals for use in connection with Appeal No. 15-3481.

IT IS SO ORDERED.

DATED: February 8, 2016

s/J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE